

100-20 CLIENT CONFIDENTIALITY AND HIPAA REQUIREMENTS

POLICY

The Health Insurance Portability and Accountability Act (HIPAA) ensures that all communication of Protected Health Information (PHI) is confidential. Failure of Local Health Jurisdiction (LHJ) site to comply with any applicable provision of HIPAA will constitute a breach of contractual obligations with California Home Visiting Program (CHVP).

AUTHORITY

Health Insurance Portability and Accountability Act (HIPAA)

PROCEDURE

1. Each LHJ site must have on file a Confidentiality Agreement signed by each staff member who has the ability to view the raw data, either by collecting the data or by viewing it after it has been recorded; these individual Confidentiality Agreements must be renewed annually.
2. All clients will sign an informed consent to have their information shared with CDPH for purposes of aggregated, unidentifiable public health reporting.
3. The LHJ sites must establish and maintain appropriate administrative, technical and physical safeguards to protect the confidentiality of the data, prevent unauthorized use of or access to it and obtain any necessary written permissions or agreements from CHVP for data analysis or disclosure of PHI and in accordance with HIPAA regulations including, but not limited to, authorizations, data use agreements, and business associate agreements. Appropriate safeguards include, but are not limited to:
 - a. Securing and maintaining all hard copy or other records containing client information containing PHI (such as CD-ROM, diskettes, thumb drives, etc.) in a locked file cabinet inaccessible to staff other than those directly involved in either the delivery of service to the client, supervision of these direct service-delivery staff, or for data entry; and
 - b. Securing all electronic records in password-protected, encrypted files, with access only for staff directly involved in delivery of services to clients, supervision of these staff, or data entry.
4. The LHJ site must maintain the integrity of client records regarding the following:
 - a. Record Retention: Programmatic and other supporting documents of client shall be retained for at least three years for purposes of potential audits and/or to reconcile with data from the data system.
 - b. Lost and/or Compromised Client Records:
 - i. The LHJ site must contact CHVP assigned Consultant within 24 hours of occurrence;
 - ii. The LHJ site must submit a summary of the incident including immediate follow-up actions implemented after the occurrence via the transmittal process.
 - c. Disposal of Materials:
 - i. The LHJ site must have policies in place to ensure that confidential information is discarded through secure and confidential means (e.g. shredded, locked confidential destruction bins, pulverized);

- ii. The LHJ site must have a mechanism in place to ensure that removable media containing confidential, personal or sensitive information is physically destroyed when no longer needed.
- d. Sending Confidential Information:
 - i. Prior to sending PHI or client-related confidential information to CHVP via fax, LHJ site staff must notify a member of the CHVP QA team;
 - ii. When sending electronic PHI to CHVP, encrypt information by writing “[secure]” on the subject line;
 - iii. The LHJ site shall add a confidentiality statement at the beginning or end of every fax or e-mail that contains confidential, personal or sensitive information notifying persons receiving the fax or e-mail in error to contact the sender and destroy the document;
 - iv. Transportable media (disks, CDs, cassettes, USB drives, and all other removable storage devices) must be encrypted when confidential, personal, or sensitive information are sent or received through the mail and such media is required to mail through a secure bonded courier with tracking or return receipt and signature required; and
 - v. During closure of an office or move, the LHJ site must ensure that privacy and security of confidential, personal and sensitive information is maintained. If documents containing PHI must be transported to remote locations, these documents must be transported using a secure, bonded courier with a tracking system.

DEFINITION

The HIPAA was passed by Congress in 1996, and became effective in 2003. It establishes standards for PHI from disclosure and informs clients of how their information will be used.